

BEFORE THE  
FEDERAL ELECTION COMMISSION

Campaign Legal Center  
Trevor Potter, President and General Counsel  
Kirk L. Jowers, Deputy General Counsel  
1640 Rhode Island Ave. NW, Suite 650  
Washington, DC 20036  
202-736-2200

v.

MUR No. 5626

New Democrat Network  
777 North Capitol Street NE, Suite 410  
Washington, DC 20002

COMPLAINT

1. In March, 2002, Congress enacted the Bipartisan Campaign Reform Act of 2002 (BCRA) in order to stop the raising and spending of soft money to influence federal elections.

The relevant provisions of BCRA were upheld by the Supreme Court in *McConnell v. FEC*, 540 U.S. 39, 124 S.Ct. 619 (2003).

2. Since the enactment of the BCRA, a number of political and party operators have been engaged in illegal new schemes to use soft money to influence the 2004 presidential and congressional elections. These schemes, for the most part, involve the use of so-called "section 527 groups"—entities registered as "political organizations" under section 527 of the Internal Revenue Code, 26 U.S.C. § 527—as vehicles to raise and spend soft money to influence the 2004 federal elections.

3. These schemes to inject soft money into the 2004 federal elections are illegal. The Supreme Court in *McConnell* took specific note of "the hard lesson of circumvention" that is taught "by the entire history of campaign finance regulation." 124 S.Ct. at 673. The deployment

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of "section 527 groups" as the new vehicle for using soft money to conduct partisan activities to influence federal elections is simply the latest chapter in the long history of efforts to evade and violate the federal campaign finance laws.

4. The New Democrat Network is registered with the Internal Revenue Service (IRS) as a section 527 group (employer I.D. #1981307)<sup>1</sup> and is a political committee registered with the Federal Election Commission (FEC) (I.D. C00385401).<sup>2</sup> The New Democrat Network is an entity which, as a 527 group, has a "major purpose," indeed an overriding purpose, to influence candidate elections,<sup>3</sup> and more specifically, federal candidate elections, and which has spent significant amounts of funds to influence the 2004 presidential election.

5. As a political committee, the New Democrat Network is subject to the federal contribution limits and source prohibitions on the funds it receives. The New Democrat Network may not receive more than \$5,000 per year from an individual donor, and may not receive any union or corporate treasury funds whatsoever. 2 U.S.C. §§ 441a(a)(1)(C) and 441b(a). These limits and prohibitions apply to all political committees, including those that engage in independent spending. 11 C.F.R. § 110.1(n). Furthermore, as a political committee, the New Democrat Network is subject to the reporting requirements of 2 U.S.C. § 434.

6. Despite its status as a political committee, the New Democrat Network has raised millions of dollars in soft money, receiving contributions in excess of the \$5,000 limit and in violation of the prohibition on contributions from corporate and labor union treasuries. The New

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<sup>1</sup> The New Democrat Network filed an IRS Form 8871, Political Organization Notice of Section 527 Status, on August 2, 2000 (attached as Exhibit 1).

<sup>2</sup> The New Democrat Network filed a FEC Form 1 Statement of Organization June 18, 1996 for a political committee (I.D. C00319772) maintained through April 2004, when the New Democrat Network filed an FEC Form 3X Termination Report. The New Democrat Network filed a Statement of Organization March 3, 2003 for a second political committee (I.D. C00385401) which remains active today (attached as Exhibit 2).

<sup>3</sup> The New Democrat Network listed its purpose as "fundraising for federal, state and local candidates" on IRS Form 8871 filed August 2, 2000 (attached as Exhibit 1).

Democrat Network has reported these contributions to the IRS on Form 8872, the Political Organization Report of Contributions and Expenditures, but has not reported these contributions to the FEC as required by Federal Election Campaign Act (FECA) § 434.

7. The Supreme Court in *McConnell* took specific—and repeated—note of the central role of the FEC in improperly creating the soft money loophole that was used to circumvent the federal campaign finance laws. The massive flow of soft money through the political parties into federal elections was made possible by the Commission's allocation rules, which the Court described as "FEC regulations [that] permitted more than Congress, in enacting FECA, had ever intended." 124 S.Ct. at 660, n.44. Indeed, the Court noted that the existing FECA, which had been upheld in *Buckley*, "was subverted by the creation of the FEC's allocation regime" which allowed the parties "to use vast amounts of soft money in their efforts to elect federal candidates." *Id.* at 660 (emphasis added). The Court flatly stated that the Commission's rules "invited widespread circumvention" of the law. *Id.* at 661.

8. It is critically important that the Commission not repeat this history here. The Commission must ensure that it does not once again invite "widespread circumvention" of the law by licensing the injection of massive amounts of soft money into federal campaigns, this time through a section 527 group whose major, indeed overriding, purpose is to influence federal elections—a group which registered with the Commission as a political committee before engaging in soft money fundraising.

9. The Commission has the authority to take enforcement action based on a complaint where it finds reason to believe that a person "has committed, or is about to commit," a violation of the law. 2 U.S.C. §§ 437g(a)(2), 437g(a)(4)(A)(i), 437g(a)(6)(A); *see also* 11 C.F.R. 111.4(a) ("Any person who believes that a violation...has occurred or is about to occur

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may file a complaint...” (emphasis added). Based on published reports, the New Democrat Network has either committed or is “about to commit” violations of the law by raising and spending significant amounts of soft money—including large individual contributions—to influence the 2004 presidential election and by failing to report this campaign finance activity to the Commission. The respondent is doing so despite having registered with the Commission as a federal political committee and with total disregard for the rules applicable to such political committees. It is critical that the Commission act effectively and expeditiously to prevent the violations of the law threatened by the widely publicized activities of this section 527 group.

#### New Democrat Network

10. The New Democrat Network was established in 1996 “to elect ‘New Leaders for a New Time,’” and boasts it has “[h]elped bring fifty new people to the Senate and House” since 1996.<sup>4</sup> The New Democrat Network filed a Statement of Organization as a political committee with the FEC June 18, 1996<sup>5</sup> and a Notice of Section 527 Status with the IRS on August 2, 2000.

11. The New Democrat Network has made clear that its major, indeed overriding, purpose is to influence federal elections generally and, in 2004, the presidential election specifically. The homepage of the New Democrat Network Web site explains the political committee’s plan to influence the 2004 federal election in “battleground” states:

NDN has dramatically escalated its national “Restore the Promise” campaign, adding a compelling new set of television ads in Alaska, Colorado and Oklahoma and a new national effort to engage millions of

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<sup>4</sup> See New Democrat Network Web site, “About NDN: The NDN Track Record: 1996-2002” <<http://www.newdem.org/about/history.php>> (visited October 19, 2004).

<sup>5</sup> The political committee registered by the New Democrat Network with the FEC in 1996 (I.D. C00319772) was terminated in April 2004. The New Democrat Network had, however, filed a Statement of Organization March 3, 2003 for a second political committee (I.D. C00385401) which remains active today (attached as Exhibit 2). The New Democrat Network has maintained one or more FEC registered political committees since its founding in 1996.

citizens on the Internet. . . . This new effort builds on NDN's \$6 million Spanish-language campaign that has been running ads in five battleground states for months. To date NDN has run television ads in seven battleground states this year—Alaska, Arizona, Colorado, Florida, New Mexico, Nevada, and Oklahoma.<sup>6</sup>

12. On March 5, 2004, the New Democrat Network “launched a projected \$5-million TV campaign with two commercials that promote the party’s cause and criticize Bush.”<sup>7</sup> The advertisements portrayed Democrats as friends of the Latino community and attacked Bush’s record on education.” Maria Cardona, spokeswoman for the New Democrat Network, confirmed the use of soft money donations to fund the advertising campaign, explaining that “an anonymous Northern California couple pledged \$1 million for the Spanish-language campaign. Other wealthy donors, she said, have pledged \$1.5 million.”<sup>8</sup>

13. On July 28, 2004, the New Democrat Network released two more advertisements, produced in both English and Spanish, directly opposing President Bush and clearly intended to influence the November 2004 election. One advertisement aimed at President Bush noted that “[t]he Democrats have proposed a plan that would insure 8 million Latinos. But President Bush and the Republicans oppose this plan.”<sup>9</sup> The other advertisement featured a man’s voice reading a letter to President Bush:

“Dear President Bush: It’s been a long day. My kids are in bed, and I would like to rest, too. But with a minimum wage of \$5.15 an hour, it’s impossible. I have to go to my second job. The Democrats want to raise the minimum wage to \$7 an hour. But you and the Republicans oppose it. What a shame. Sincerely, a hard working Latino.”<sup>10</sup>

<sup>6</sup> See New Democrat Network Web site homepage <<http://www.newdem.org>> (visited October 19, 2004).

<sup>7</sup> N. Anderson, “The Race to the White House: Parties Seeking to Speak Language of Latino Voters,” *Los Angeles Times* (March 6, 2004) (Exhibit 3).

<sup>8</sup> *Id.*

<sup>9</sup> G. Glazer, “New Democrat Network Takes Aim At Bush,” *National Journal* (July 28, 2004) (Exhibit 4).

<sup>10</sup> *Id.*

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14. The New Democrat Network's spokespersons readily admit their intentions of influencing the November 2004 federal election. When commenting in early September as to why he accepted employment as the New Democrat Network senior advisor in Florida, Joe Garcia stated, "I think this is probably the most important election of my generation, and I have to get involved."<sup>11</sup>

15. According to recent Form 8872 reports filed with the IRS, the New Democrat Network made expenditures exceeding \$5.2 million and received contributions totaling more than \$5 million between July 1, 2004 and November 22, 2004, including many contributions in excess of the \$5,000 limit established by 2 U.S.C. § 441a(a)(1)(C), as well as many contributions in violation of the § 441b(a) prohibition on contributions from corporation and labor union treasury funds.<sup>12</sup> For example, the New Democrat Network has received aggregate contributions in 2004 of:

- \$155,000 from the American Federation of State, County and Municipal Employees (AFSCME), in violation of both §§ 441a(a)(1)(C) and 441b(a);<sup>13</sup>
- \$100,000 from Intuit, Inc., in violation of both §§ 441a(a)(1)(C) and 441b(a);<sup>14</sup>
- \$100,000 from Mr. Andy Waters, in violation of § 441a(a)(1)(C);<sup>15</sup> and
- \$498,428 from Mr. and Mrs. Herb and Marion Sandler, in violation of § 441a(a)(1)(C).<sup>16</sup>

<sup>11</sup> T. Aguayo, "Exile Leader in Miami Joins Democrats," *The New York Times* (September 2, 2004) (Exhibit 5).

<sup>12</sup> The New Democrat Network's Form 8872 report for the period ending September 30, 2004 is attached as Exhibit 6; Form 8872 report for the period ending October 13, 2004 is attached as Exhibit 7; Form 8872 report for the period ending November 22, 2004 is attached as Exhibit 8.

<sup>13</sup> See New Democrat Network's Form 8872 report for the period ending November 22, 2004, attached as Exhibit 8.

<sup>14</sup> See New Democrat Network's Form 8872 report for the period ending October 13, 2004, attached as Exhibit 7.

<sup>15</sup> See New Democrat Network's Form 8872 report for the period ending September 30, 2004, attached as Exhibit 6.

<sup>16</sup> See New Democrat Network's Form 8872 report for the period ending September 30, 2004, attached as Exhibit 6.

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This list is illustrative, not exhaustive, and provides a mere glimpse into the illegal soft money fundraising practices of the New Democrat Network. An examination of IRS Form 8872 reports filed by the New Democrat Network throughout 2004 and in past years reveals hundreds of contributions received in violation of 2 U.S.C. §§ 441a(a)(1)(C) and 441b(a).

### Violation of Law

#### A. Political Committee Status<sup>17</sup>

16. The New Democrat Network is a "political committee" under the federal campaign finance law and has identified itself as such. It is an entity which (1) has a "major purpose" to influence candidate elections, and in particular, federal candidate elections, and (2) has received contributions or made expenditures of more than \$1,000 in a calendar year. Because the New Democrat Network meets both parts of this test, it is a federal "political committee," and is accordingly subject to the contribution limits, source prohibitions and reporting requirements that apply to all federal political committees. Because it has not complied with these rules applicable to federal political committees, it has been, and continues to be, in violation of the law.

17. Section 431(4) of Title 2 defines the term "political committee" to mean "any committee, club, association or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4); *see also* 11 C.F.R. § 100.5(a). A "contribution," in turn, is defined as "any gift, subscription, loan, advance, or deposit of money

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<sup>17</sup> This count sets forth a violation that is substantively identical as a matter of law to allegations made in four complaints previously filed by complainant Campaign Legal Center against the Media Fund (complaint filed January 15, 2004), against Progress for America-Voter Fund (complaint filed July 21, 2004), against Swift Boat Veterans for Truth (complaint filed August 10, 2004), and against Texans for Truth (complaint filed August 10, 2004), four similarly situated section 527 groups.

or anything of value made by any person for the purpose of influencing any election for Federal office . . . .” 2 U.S.C. § 431(8)(A). Similarly, an “expenditure” is defined as “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office . . . .” 2 U.S.C. § 431(9)(A).

18. Any entity which meets the definition of a “political committee” must file a “statement of organization” with the Federal Election Commission, 2 U.S.C. § 433, and periodic disclosure reports of its receipts and disbursements. 2 U.S.C. § 434. In addition, a “political committee” is subject to contribution limits, 2 U.S.C. § 441a(a)(1), §441a(a)(2), and source prohibitions, 2 U.S.C. § 441b(a), on the contributions it may receive and make. 2 U.S.C. § 441a(f). These rules apply even if the political committee is engaged only in independent spending. 11 C.F.R. § 110.1(n).

19. In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court construed the term “political committee” to “only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate.” 424 U.S. at 79 (emphasis added). Again, in *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986), the Court invoked the “major purpose” test and noted that if a group’s independent spending activities “become so extensive that the organization’s major purpose may be regarded as campaign activity, the corporation would be classified as a political committee.” 479 U.S. at 262 (emphasis added). In that instance, the Court continued, it would become subject to the “obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns.” *Id.* (emphasis added). The Court in *McConnell* restated the “major purpose” test for political committee status as iterated in *Buckley*. 124 S.Ct. at 675, n.64.

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20. In *FEC v. GOPAC*, 917 F.Supp. 851 (D.D.C. 1996), a single federal district court further narrowed the “major purpose” test to encompass not just the nomination or election of any candidate, but only “the nomination or election of a particular candidate or candidates for federal office.” 917 F.Supp. at 859. Thus, the court said that “an organization is a ‘political committee’ under the Act if it received and/or expended \$1,000 or more and had as its major purpose the election of a particular candidate or candidates for federal office.” *Id.* at 862. The court further said that an organization’s purpose “may be evidenced by its public statements of its purpose or by other means, such as its expenditures in cash or in kind to or for the benefit of a particular candidate or candidates.” *Id.*

21. It is the view of the complainants that the district court in *GOPAC* misinterpreted the law and incorrectly narrowed the test for a “political committee” as set forth by the Supreme Court in *Buckley*, and that the Commission should have appealed the district court decision in *GOPAC*. Nonetheless, even under the approach adopted in *GOPAC*, the respondent here is a “political committee” and is required to file as such under federal law.

22. There is a two prong test for “political committee” status under the federal campaign finance laws: (1) whether an entity or other group of persons has a “major purpose” of influencing the “nomination or election of a candidate,” as stated by *Buckley*, or of influencing the “election of a particular candidate or candidates for federal office,” as stated by *GOPAC*, and if so, (2) whether the entity or other group of persons receives “contributions” or makes “expenditures” of at least \$1,000 or more in a calendar year.

23. Prong 1: The “major purpose” test. The New Democrat Network has a “major purpose” of influencing the election of a candidate, under *Buckley*, or of a “particular candidate

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or candidates for federal office,” under *GOPAC*. The New Democrat Network thus meets the first prong of the test for “political committee” status, under either *Buckley* or *GOPAC*.

24. First, the New Democrat Network is organized under section 527 of the Internal Revenue Code, 26 U.S.C. § 527, and is thus by definition a “political organization” that is operated “primarily” for the purpose of influencing candidate elections. Section 527 of the IRC provides tax exempt treatment for “exempt function” income received by any “political organization.” The statute defines “political organization” to mean a “party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.” 26 U.S.C. § 527(e)(1) (emphasis added). An “exempt function” is defined to mean the “function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice Presidential electors...” 26 U.S.C. § 527(e)(2) (emphasis added). The Supreme Court said in *McConnell*, “Section 527 ‘political organizations’ are, unlike § 501(c) groups, organized for the express purpose of engaging in partisan political activity.” 124 S.Ct. at 678, n.67. The Court noted that 527 groups “by definition engage in partisan political activity.” *Id.* at 679. A “political organization” as defined in section 527 must register as such with the Secretary of the Treasury, and must file periodic disclosure reports with the Secretary as required by section 527(j). The New Democrat Network has registered as a “political organization” under section 527.

25. Thus, by definition, any entity that registers with the Secretary as a “political organization” under section 527 is “organized and operated primarily” for the purpose of

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“influencing or attempting to influence the selection, nomination, election or appointment of” an individual to public office. The Commission has frequently cited the section 527 standard as identical to the “major purpose” prong of the test for “political committee” status. *See e.g.*, Advisory Opinions 1996-13, 1996-3, 1995-11. Accordingly, any group that chooses to register as a “section 527 group”—including the New Democrat Network—is by definition an entity “the major purpose of which is the nomination or election of a candidate . . . .”<sup>18</sup> Under the “major purpose” standard set forth in *Buckley*, this is sufficient to meet the first prong of the “political committee” test.

26. But even if that standard is further narrowed by *GOPAC*, the respondent here, the New Democrat Network, has a “major purpose” of influencing the nomination or election of a “particular candidate or candidates for federal office . . . .” 917 F.Supp. at 859. The New Democrat Network has spent significant amounts on broadcast ads expressly referring to, and attacking or opposing, President Bush. Thus, the New Democrat Network has a “major purpose” to support or oppose particular federal candidates, thus meeting even the most rigorous definition under *GOPAC* of the first prong of the test for “political committee.”

27. Prong 2: “Expenditures” of \$1,000. The second prong of the definition of “political committee” is met if an entity which meets the “major purpose” test also receives “contributions” or makes “expenditures” aggregating in excess of \$1,000 in a calendar year. Both “contributions” and “expenditures” are defined to mean funds received or disbursements made “for the purpose of influencing” any federal election. 2 U.S.C. § 431(8), (9).

28. This second prong test of whether a group has made \$1,000 in “expenditures” is not limited by the “express advocacy” standard when applied to a section 527 group, such as the

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<sup>18</sup> This would be true in all instances other than a 527 organization which is devoted to influencing the nomination or appointment of individuals to appointive office such as, *e.g.*, a judicial appointment, but this exception does not apply to the New Democrat Network.

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New Democrat Network. Rather, the test for “expenditure” in this case is the statutory standard of whether disbursements have been made “for the purpose of influencing” any federal election, regardless of whether the disbursements were for any “express advocacy” communication. The Supreme Court made clear in *Buckley* that the “express advocacy” standard does not apply to an entity, like a section 527 group, which has a major purpose to influence candidate elections and is thus not subject to concerns of vagueness in drawing a line between issue discussion and electioneering activities. Groups such as section 527 “political organizations” are formed for the principal purpose of influencing candidate elections and, as explained by the Court in *Buckley*, their expenditures “can be assumed to fall within the core area sought to be addressed by Congress. They are, by definition, campaign related.” 424 U.S. at 79. The Court affirmed this position in *McConnell*. 124 S.Ct. at 675, n.64. Thus, the “express advocacy” test, which the Supreme Court deemed to be “functionally meaningless,” 124 S.Ct. at 703, is not relevant to the question of whether a section 527 organization is spending money to influence the election of federal candidates.

29. The New Democrat Network has made “expenditures” in amounts far in excess of the \$1,000 threshold of the second prong of the test for “political committee” status. These expenditures have been made for broadcast advertisements that attack or oppose President Bush. These disbursements have been “for the purpose of influencing” federal elections, and thus constitute “expenditures” under the law.

30. Ads run by a section 527 “political organization” that promote, support, attack or oppose federal candidates are clearly for the purpose of influencing a federal election, even if such ads do not contain “express advocacy” or are not “electioneering communications,” as defined in 2 U.S.C. § 434(f)(3)(A)(i). Because the “express advocacy” test does not apply to

section 527 groups, and thus does not limit the statutory definition of “expenditures” made by such groups, the funds spent by the New Democrat Network to attack or oppose President Bush, are “expenditures.” They are being made “for the purpose of influencing” the 2004 presidential elections.

31. Alternatively, even if the Commission incorrectly decides that the “express advocacy” test does apply to section 527 groups, the ads run by the New Democrat Network meet that test as well. The Commission’s existing regulations define “express advocacy” to include a communication that “when taken as a whole and with limited reference to external events . . . could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more candidates because the electoral portion of the communication is unmistakable, unambiguous and suggestive of only one meaning and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates or encourages some other kind of action.” 11 C.F.R. § 100.21(b). The ads run by the New Democrat Network, when taken as a whole, can only be interpreted by a reasonable person as opposing the re-election of President Bush, and thus meet the Commission’s existing regulatory definition of “express advocacy.” Thus, the ads by the New Democrat Network contain “express advocacy” and therefore constitute “expenditures.”

32. In sum, the New Democrat Network has a “major purpose” to support or oppose the election of one or more particular federal candidates, has spent far in excess of the statutory \$1,000 threshold amount on “expenditures” for this purpose, and is registered with the Commission as a federal political committee (I.D. C00385401). Accordingly, the Commission should find that the New Democrat Network, as a federal political committee, is in violation of

the contribution limits and source prohibitions of 2 U.S.C. §§ 441a and 441b and the reporting requirements of 2 U.S.C. § 434.

B. Disclosure

33. Because of the violations of law set forth above, the Commission and the public, including complainant Campaign Legal Center, as well as individual complainants Potter and Jowers as voters, are not receiving full and accurate public disclosure of the funds raised and spent by the New Democrat Network, as required by FECA. Because it is a political committee, the funds received by the New Democrat Network are "contributions" subject to the mandatory federal reporting requirements of FECA and are required to be fully disclosed to the Commission and to the public, 2 U.S.C. § 434, including the complainants.

34. The donations received by the New Democrat Network, illegally acting as a section 527 group not subject to FECA reporting requirements, have been reported only to the IRS under 26 U.S.C. § 527—and such disclosure may be avoided altogether if the recipient chooses to pay income tax on the donation. Further, section 527, unlike the FECA requirements applicable to political committees, does not require the reporting of the aggregate amount of unitemized contributions received by the group, so there is no basis to determine the total aggregate amount raised by such a section 527 group.

35. Thus, to the extent that the New Democrat Network is wrongly treating contributions required to be reported under FECA instead as donations to a section 527 account, the Commission and the public, including complainant Campaign Legal Center, as well as individual complainants Potter and Jowers as voters, have no assurance that all contributions

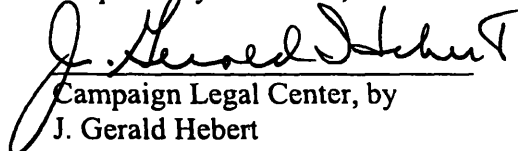
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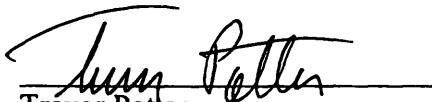
required to be disclosed under FECA are properly being disclosed, or that the total amount of contributions to the New Democrat Network is being disclosed.

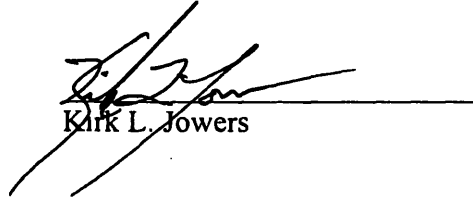
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36. Wherefore, the Commission should conduct an immediate investigation under 2 U.S.C. §437g, should determine that the New Democrat Network has violated or is about to violate 2 U.S.C. §§ 434, 441a and 441b(a), should impose appropriate sanctions for such violations, should enjoin the New Democrat Network from all such violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,

  
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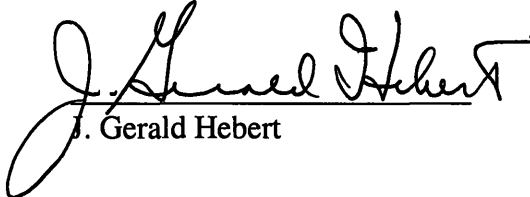
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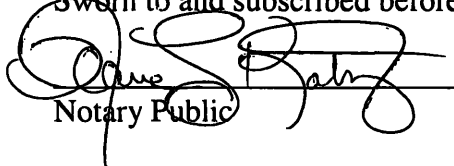
The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn to pursuant to 18 U.S.C. § 1001.

**For Complainant Campaign Legal Center**

  
J. Gerald Hebert

Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2005

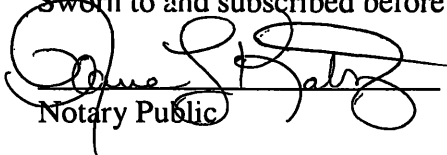
  
Notary Public

**JEANNE G. KATZ**  
Notary Public of District of Columbia  
My Commission Expires December 14, 2007

**Complainant Trevor Potter**

  
Trevor Potter

Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2005

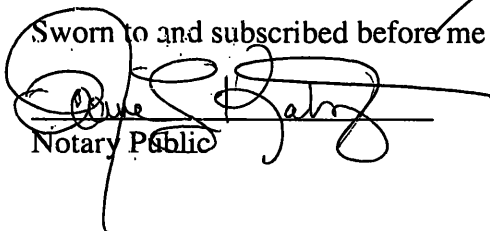
  
Notary Public

**JEANNE G. KATZ**  
Notary Public of District of Columbia  
My Commission Expires December 14, 2007

**Complainant Kirk L. Jowers**

  
Kirk L. Jowers

Sworn to and subscribed before me this 7<sup>th</sup> day of January, 2005

  
Notary Public

**JEANNE G. KATZ**  
Notary Public of District of Columbia  
My Commission Expires December 14, 2007

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